

AFFIDAVIT

I, Patrick Hanna, being duly sworn, depose and state as follows:

Introduction

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and currently assigned to the Burlington Resident Agency in Vermont. I have been an FBI Special Agent for 19 years. My duties as an FBI Special Agent include investigating violations of Title 18 of the United States Code as they pertain to corporate fraud, complex financial crimes, embezzlement, public corruption, money laundering and related white-collar crimes, as well as violent crimes and criminal enterprises. I have participated in investigations of criminal violations of various federal laws. I have executed search and arrest warrants, interviewed and interrogated subjects, witnesses, and victims, and conducted surveillance. In the course of these investigations, I have gained an understanding of current technology, to include computers and online accounts, cellular telephones and associated records and data, and have conducted analyses of the data related to such accounts and devices, for the purpose of solving and proving crimes.

2. I make this affidavit in support of applications for two search warrants for information associated with the following accounts, described below and in Attachment A:

a. Google account berkeratay@gmail.com, that was produced to the government by Google on or about October 1, 2020 and October 21, 2020; and

b. Microsoft account berkeratay@hotmail.com, that was produced to the government by Microsoft on or about September 3, 2020.

3. This affidavit is made in support of an application for a search warrant under Rule 41 of the Federal Rules of Criminal Procedure authorizing the examination of the data provided by Google and Microsoft that is currently in law enforcement possession for the things described in Attachment B. As discussed below, there is probable cause to believe that Jerry Banks was involved in the kidnapping and murder of Gregory Davis, whose deceased body was discovered on January 7, 2018 and that Berk Eratay was involved financially with Serhat and Murat Gumrukcu and arranged for Banks' participation in the murder. There is probable cause to believe that Davis' kidnapping and murder involved the following federal crimes: wire fraud, in violation of 18 U.S.C. § 1343; kidnapping, in violation of 18 U.S.C. § 1201; murder to obstruct justice, in violation of 18 U.S.C. § 1512(a)(1), and murder for hire, in violation of 18 U.S.C. § 1958. There is probable cause to believe that the data described in Attachment A contains evidence of those crimes.

4. This case is being investigated by the FBI and the Vermont State Police (VSP). Since this affidavit is being submitted for the limited purpose of establishing probable cause to search data already in law enforcement's custody, I have not included details of every aspect of the investigation. Except as otherwise noted, the information contained in this Affidavit is based upon my personal knowledge and observations, my training and experience, conversations with other law enforcement officers and witnesses, and my review of documents and records.

5. I have been involved in the investigation of these crimes since January 2018 and have obtained a number of search warrants for internet service providers such as Google and Microsoft. On August 25, 2020, I presented to United States Magistrate Judge John M. Conroy applications for search warrants that commanded Google to produce to the government data associated with the Google account berkeratay@gmail.com, and Microsoft to produce to the government data associated with the Microsoft account berkeratay@hotmail.com. Judge Conroy granted both requests, and issued the warrants, which authorized the service providers to produce to the government the full contents of the accounts but limited the government's review of the data to the period of January 1, 2017 to July 1, 2018. This application requests authorization from the Court to expand the timeframe and scope of the government's review, allowing review of the data from January 1, 2015 to October 31, 2020.

6. Attached to this affidavit as Exhibit 1 is a true and accurate copy of the application submitted to search the berkeratay@gmail.com account. Attached to this affidavit as Exhibit 2 is a true and accurate copy of the application to search the berkeratay@hotmail.com account. Exhibits 1 and 2 require minor clarifications as follows.

a. The description of the kidnapper and the vehicle, as accounted for in Exhibits 1 and 2, is a combination of observations made by both Melissa Davis and her minor child.

b. Throughout the affidavit there are minor discrepancies in time, some of which are related to time zone conversions.

Probable Cause

7. As set forth in more detail in Exhibits 1 and 2, there is probable cause to believe that prior to his murder, Davis was the victim of a financial fraud scheme involving Serhat Gumrukcu and his brother, Murat Gumrukcu. This financial fraud scheme involved investments in an oil trading company, and agreements between Murat Gumrukcu's entity Laurant Trading, LLC; Gregory Davis' entity Mode Commodities, LLC; and Gregory Gac's entity Quadrant Financial Group, LLC (functioning as an "escrow agent" for the parties).

8. As set forth in Exhibits 1 and 2 at paragraph 11, Gac was interviewed by FBI Agent Stachnik on July 7, 2017. During that interview, Gac provided general information about the Mode transactions. During that interview, Gac stated that the discussions resulting in the Mode deal began as early as March of 2015. The parties signed multiple documents, including a document titled "Redemption of Mode Interests/Commencement of Mode Management Agreement," dated October 2, 2015 which I have reviewed. This October 2, 2015 agreement references a prior agreement dated February 6, 2015. I believe that negotiations for the February 2015 agreement must have begun weeks before the agreement was signed.

9. As set forth in Exhibits 1 and 2, there is probable cause to believe that Jerry Banks murdered Davis, and that he was hired to do so on behalf of a third party. As set forth in

Exhibits 1 and 2 at paragraphs 56 to 65, the only known link between Banks and the Gumrukus is through Aron Ethridge and Berk Eratay.

10. On April 6, 2022, Jerry Banks was arrested in Yellowstone National Park pursuant to a federal arrest warrant after a Criminal Complaint charged Banks with kidnapping, in violation of federal law. On April 7, 2022, I interviewed Aron Ethridge near his home in Henderson, Nevada. During this initial interview, Ethridge denied all knowledge of a murder-for-hire scheme involving Banks. On the morning of April 9, 2022, I received a call from Ethridge, who agreed to meet again later that day. At this second meeting, Ethridge admitted he had lied during the first meeting, and then confirmed the murder-for-hire scheme involving Banks and Eratay. A third meeting with Ethridge was held on April 10, 2022, during which Ethridge admitted he had omitted some of his knowledge of the plan to abduct Davis during his interview on April 9. The following is a summary of the information that Ethridge provided to law enforcement during the April 9 and April 10 interviews, with corrections as provided by Ethridge on April 10:

- a. Ethridge and Eratay used to be neighbors in Henderson, Nevada, and became friends during that period.
- b. Eratay approached Ethridge over a year before the murder of Davis, asking if Ethridge could arrange a murder. Ethridge eventually agreed to assist Eratay.
- c. Ethridge approached Banks, asking Banks to assist with the murder.
- d. Ethridge received over \$110,000 in cash from Eratay as payment for the murder. A portion of this cash was paid to Banks.
- e. The initial plan had been for Banks to “snipe” Davis, but after Banks made a reconnaissance trip to Vermont, Banks advised the plan would have to be revised and requested additional payment due to the increased difficulty of the job.
- f. Ethridge knew that Banks would impersonate a law enforcement officer and abduct Davis from his residence prior to murdering him.
- g. On January 7, 2022, while Banks was traveling back from Vermont, Banks called Ethridge and advised him the job was done. Ethridge then called Eratay to relay the message.
- h. Ethridge had met Serhat Gumrucku on multiple occasions prior to the murder of Davis. Ethridge believed that, based on these meetings and statements made by Eratay, Serhat was the man who wanted Davis killed. Eratay told Ethridge that Serhat had a problem with Davis. However, Serhat and Ethridge never directly communicated

about the abduction and murder. All communications went through Eratay, who Ethridge knew to work for Serhat.

i. After the murder of Davis, Eratay provided Ethridge with an additional payment in the form of Bitcoin.

11. I have reviewed some of the contents of the berkeratay@gmail.com account. An email dated July 27, 2017 with no listed recipient has a subject line of "Person's Details". The body of the email reads as follows:

Person's Details;

Gregory Charles Davis

Birth Date: 27 Oct 1968

Place Of Birth: NJ USA

His Company Name is Mode Commodities LLC:
101 Hudson Street
Jersey City NJ 07302

Gregg's cell is +1 802 377 1303

12. I have reviewed financial records of Serhat Gumrukcu obtained by grand jury subpoena. They reflect numerous payments to Berk Eratay via multiple transaction methods, including bank transfers and Paypal payments. These transactions date back to at least December 2014. Financial records reflect that between 2015 and early 2018, Eratay received over \$450,000 from Serhat Gumrukcu.

13. I have reviewed some of the contents of the Google account serhat.gumrukcu@gmail.com, believed to have been utilized by Serhat Gumrukcu. Records of chats from the serhat.gumrukcu@gmail.com account reveal chats with the berkeratay@gmail.com as far back as 2014, and include discussions of Paypal transactions. The contents of the serhat.gumrukcu@gmail.com email account reveal that Berk Eratay (utilizing the berkeratay@gmail.com) has been involved in assisting Serhat with his business ventures since at least the summer of 2015. These business ventures reflect that Eratay is involved in coordinating and arranging investment discussions between Serhat and others. They also reflect that Eratay assisted Serhat in arranging for personal financial transactions, such as obtaining insurance for Serhat's residence.

14. FBI Special Agent Christopher McPeak interviewed Berk Eratay on April 7, 2022. I have spoken with Agent McPeak and reviewed the report summarizing the interview.

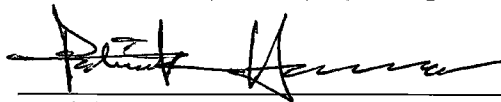
Eratay denied knowing anything about Davis or his oil deal with the Gumrukcu. Eratay admitted the Gumrukcu brothers are family friends of his from Turkey. Eratay stated that he had done IT work for companies involving Serhat Gumrukcu, including Enochian Biosciences. He admitted to various financial transactions with Serhat Gumrukcu. He reported that Serhat Gumrukcu gave him Enochian stock, worth approximately \$100,000.

15. Based on the above and the contents of Exhibits 1 and 2, I believe it is probable that Eratay would have communicated with one or both of the Gumrukcu regarding the Mode transactions and fraud scheme, and that these communications occurred between January 1, 2015 and the date Google and Microsoft provided the data referenced in Attachment A.

Authorization Request

16. Based on the foregoing, I request that the Court issue the proposed search warrants, pursuant to Federal Rule of Criminal Procedure 41. The proposed search warrants would authorize the government to expand the timeframe and scope of its search the contents of the Google account berkeratay@gmail.com and the Microsoft account berkeratay@hotmail.com, which are already in the custody of the government. Because the government already has custody of the data to be searched, reasonable cause exists to permit the execution of the requested warrants at any time in the day or night.

Dated at Burlington, in the District of Vermont, this 21st day of April 2022.



Patrick Hanna
Special Agent - FBI

Sworn to and subscribed before me this 21 day of April 2022.



Honorable Geoffrey W. Crawford
United States District Judge